

REMARKS

Claims 1, 2, 6 and 8-11 remain pending in the application. Claims 1 and 11 have been amended, and claim 3 has been cancelled. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

The present invention relates to a device that calculates a white balance control amount for an electronic still camera. Applicant's device includes an image signal generator that generates an image signal corresponding to a first image formed on a light receiving surface of an imaging device, and an image area extractor that extracts at least one image area. The image area contains a second image of a subject positioned at a predetermined distance from the electronic still camera. The second image is in-focus. The device also includes a control amount calculator that calculates a control amount for performing a white balance adjustment based on an image signal relating to a single image area contained in the image area. The single image area is formed by selecting pixels from the first image corresponding to points within a predetermined range from the predetermined distance.

In the Office Action of October 20, 2004, the Examiner objected to claim 2 under 37 C.F.R. 1.75(c), asserting that it fails to further limit the subject matter of claim 1. Applicant respectfully disagrees.

Section 608.01(n)(III) of the M.P.E.P. provides that:

A dependent claim does not lack compliance with 35 U.S.C. 112, fourth paragraph, simply because there is a question as to (1) the significance of the further limitation added by the dependent claim, or (2) whether the further limitation in fact changes the scope of the dependent claim from that of the claim from which it depends. The test for a proper dependent claim under the fourth paragraph of 35 U.S.C. 112 is whether the dependent claim includes every limitation of the claim from which it depends. The test is not one of whether the claims differ in scope.

Applicant submits that claim 2 does in fact include every limitation of claim 1, and is therefore in proper dependent form. Therefore, Applicant respectfully requests that the Examiner withdraw his objection to claim 2.

In the Office Action, the Examiner also rejected claims 1-3, 8, 9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Miyadera (U.S. Patent No. 5,550,587) in view of Malek (U.S. Patent No. 4,915,498). Applicant respectfully traverses the rejection for at least the following reasons.

Miyadera relates to a white balance adjustment device for a still-video camera. Miyadera discloses that his device performs white balance adjustment on a pixel-by-pixel basis by reading a digital image signal of each pixel from a main memory 26, reading the image-object distance of each pixel from a distance information memory 31, determining whether the image-object distance of the pixel is short, intermediate, or long distance, and performing white balance adjustment on the pixel using a short, intermediate, or long distance coefficient. See col. 11, line 10 through col. 12, line 18.

Unlike Applicant's claimed invention, Miyadera's device does not select pixels of a single image area which correspond to points within a predetermined range from a predetermined distance between a subject and the still-video camera, as recited in claims 1 and 11. Furthermore, Miyadera's device does not calculate a control amount for performing a white balance adjustment based on a image signal of the single image area formed by the selected pixels, as recited in claims 1 and 11. In contrast to Applicant's invention, Miyadera separately performs a white balance adjustment for each pixel, whereas the Applicant's device calculates a control amount for a white balance adjustment for an entire image.

Malek relates to a range image sensor. In the Office Action, the Examiner cited Malek merely to assert that it teaches a three dimensional image data sensing processor that senses three dimensional data indicating a distance from an electronic still camera to each point on the surface of a subject. Malek does not disclose a white balance adjustment process, and thus does not cure the deficiencies of the Miyadera reference.

For at least the above reasons, Applicant respectfully submits that the Examiner's rejection of claims 1 and 11 is improper, and requests withdrawal thereof.

Dependent claims 2, 6 and 8-10 are also submitted to be in condition for allowance at least in view of their dependence on claim 1.

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Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

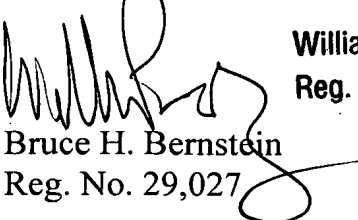
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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